

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEREMIAH JEROME GRIFFIN,

Petitioner,

-against-

WARDEN A.M.K.C.; NYC DEPT OF
CORRECTIONS; OTHER PERSONS
HAVING CUSTODY OF DETAINES
MOUNT SINAI HOSPITAL, *et al.*,

Respondents.

22-CV-6302 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner has filed an Application for the Court to Request Counsel. The factors to be considered in ruling on an indigent litigant's request for counsel include the merits of the case, Petitioner's efforts to obtain a lawyer, and Petitioner's ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargent Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986). Of these, the merits are “[t]he factor which command[s] the most attention.” *Cooper*, 877 F.2d at 172. The Court directed Petitioner to file an amended petition, and he has not yet done so. Because it is not clear that Petitioner can state a viable claim, the motion is denied without prejudice, and the Clerk of Court is directed to terminate it. (ECF 4.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *See* *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: October 26, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge